

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In re:

Jesse Charles Lay,

Bankruptcy Case No.: 10-80953

Soc. Sec. No. xxx-xx-2665

Mailing Address: 500 Guy Walker Way, Durham,
NC 27703-

Debtor.

Jesse Charles Lay,

Plaintiff, A.P. No.: 10-9094

vs.

**Louis A. Trosch, Trustee;
Mortgage Electronic Registration Systems, Inc.,
Beneficiary under that Deed of Trust recorded at
Book 5194, Page 499, Durham County Register
of Deeds; and
Citimortgage, Inc., Lender**

Defendants.

SCHEDULING ORDER

It appearing to the court that the parties have conferred and submitted a scheduling memorandum in accordance with Federal Rule 26(f) and Bankruptcy Rule 7026 and that this scheduling order be entered at this time without the parties appearing in court for a pre-trial/scheduling conference.

Now, therefore, it is **ORDERED** as follows:

1. The time limits set forth in the joint scheduling memorandum are approved and shall be binding upon the parties;
2. The initial pre-trial conference scheduled for January 20, 2011, is cancelled; and
3. All final pre-trial disclosures shall be filed with the Court and served on the opposing counsel by June 22, 2011, unless a dispositive motion is filed in which case the final pre-trial disclosures shall be filed within 20 days of the entry of the Order ruling on the dispositive motion.
4. The defendant shall have 30 days from the date of this Order within which to file a brief

or legal memorandum in support of its defenses asserting insufficiency of process, insufficiency of service of process and failure to state claims for relief. If the defendant files a brief or legal memorandum in support of such defenses, the plaintiffs shall have 60 days from the date of this Order within which to file a brief or legal memorandum in opposition to the defendant's brief or legal memorandum. If the defendant does not file a supporting brief or legal memorandum on or before 30 days from the date of this Order, defendant shall be deemed to have abandoned the foregoing defenses and an order overruling and denying such defenses shall be entered.